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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,591	01/25/2002	George Forester	5298P001	2934

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EXAMINER

NGUYEN, ANTHONY H

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 11/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/057,591

Applicant(s)

FORESTER, GEORGE

Examiner

Anthony H Nguyen

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HW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 14-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,8-10,12,13,19-21 and 26 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 22-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 (4pgs) 6) ☐ Other: _____

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Applicant's election without traverse of Figures 4A-4B, claims 1-10,12,13 and 19-26 in Paper No. 7 is acknowledged. Claims 11 and 14-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention.

Specification

The disclosure is objected to because of the following informalities: The numerical reference "112" (page 12 line 13) should obviously be --113-- , and the numeral references "403" cannot be found in any drawing (page 16 the first paragraph). Appropriate correction is required.

Drawings

The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the housing which is generally egg-shaped (claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 19 and 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Yoneya (US 6,554,191).

Yoneya teaches a wire less communication device or a portable device which comprises a set of keys 1 which includes a plurality of keys (Yoneya, fig.1) for operating as a distal, chording alphanumeric keyboard.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 8-10, 12,13, 21 and 26 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Yoneya (US 6,554,191) in view of Livits (US 4,846,598).

With respect to claims 1 and 21, Yoneya teaches a data input device having a plurality of keys 1 disposed within a portion of a housing so that the keys can be operated with an operators' fingers as shown in Figs.1 and 2 of Yoneya (see Yoneya, col.2 lines 33-49). Yoneya does not teach the plurality of keys disposed within a second

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portion of the housing. Livits teaches a keyboard 10 having a plurality of function keys 34 (Livits, Fig.1) disposed within a second portion of the housing of the keyboard. Therefore, in view of the teaching of Livits, it would have been obvious to one of ordinary skill in the art to modify the data input device of Yoneya by providing the plurality of keys disposed within a second portion of the housing of a keyboard as taught by Livits to improve the efficiency of entering data on a keyboard.

With respect to claim 8, note that the second plurality of keys 34 of Livits is substantially vertically aligned with the plurality of keys 32 (Livits, Fig.1).

With respect to claims 9 and 10, the use of a switching mechanism that alters the key's configuration in a keyboard to produce different alphanumeric input is a very well known. For example, Yoneya teaches the key C1 which can be entered as "1" or in combination with a key V1 to produce an "a" or "A" as shown in Figs.2 and 3.

With respect to claim 12, the selection of a desired housing shaped such as a generally egg-shaped would be obvious through routine experimentation in order to ensuring optimal securing a keyboard in one's palm or hand.

With respect to claims 13 and 26, the use of a wireless transmitter to transmit keystroke information to another electronic system is well known in the art.

Conclusion

As presently advised it appears that claims 2-7 and 22-25 avoid the prior art but are objected to as depending from a rejected claim. These claims if properly rewritten in independent form would be allowable.

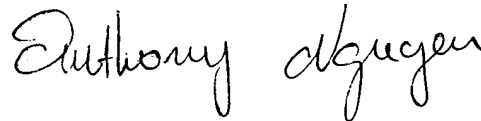
The patents to Lapeyre, Mack et al. and Hughes et al. are cited to show other structures having obvious similarities to the claimed structure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Nguyen whose telephone number is (703) 308-2869. The examiner can normally be reached daily from 9 AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld, can be reached on (703) 305-6619. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

A handwritten signature in cursive script that reads "Anthony Nguyen".

Anthony Nguyen
11/12/03
Patent Examiner
Technology Center 2800